REMARKS

This is in response to the Office Action mailed April 28, 2003. With a three month extension a response is due on or before October 28, 2003. Claims 18-21 are pending.

The Examiner has rejected claims 18-21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,106,176 to Rice. The Examiner has rejected claims 18-21 under 35 U.S.C. § 103 as being unpatentable over Rice. The Examiner contends that Rice discloses a method for auditing tension in a threaded fastener. The Examiner contends that Rices discloses each element of claims 18 and 21 and renders all other claims obvious. Rice does not disclose the claimed audit method. In contrast to Rice, claims 18-21 claim a method used to determine the comparative clamping loads between a group of installed threaded fastener. A common example is a plurality of lug nuts on a wheel. These threaded fasteners may be installed using any method. The invention of claims 18-21 provides for the measurement and comparison of audit angles which provide important information about relative clamp loads. Importantly, an audit can be conducted on installed threaded fasteners to determine that the fasteners were properly installed or whether there is a loose fastener amongst the collection.

Rice has no teaching or suggestion as to an appropriate method to determine whether a fastener is in fact providing an appropriate clamping load after installation. In contrast, Rice teaches that no audit is necessary insofar as the fasteners were initially installed correctly.

In support of Applicant's distinguishing arguments, Applicant has attached the Declaration of Edwin Eugene Rice, the inventor of the applied reference, U.S. Patent No. 4,106,176. Mr. Rice recognizes in ¶ number 4 of his declaration:

> Auditing fasteners addresses a problem different from tightening fasteners. Invention 4,106,176 helps with the installation of threaded fasteners. An audit method to determine if the threaded fasteners were in fact installed correctly is unnecessary if invention 4,106,176 is employed.

Mr. Rice goes on to recognize the significant differences between the invention of claims 18-21 and his earlier patent:

> In my opinion the method for comparing relative clamp loads set forth in claims 18-21 of the '416 application is a significant advancement beyond invention 4,106,176.

As established by Rice himself, U.S. Patent No. 4,106,176 does not teach or suggest each element of claims 18-21. Applicant submits that Mr. Rice's testimony supports the patentability of claims 18-21.

Applicant further submits the Declaration under 35 U.S.C. § 132 of the inventor, Ralph Shoberg. Mr. Shoberg's Declaration details several secondary considerations which tend to negate any rejection under 35 U.S.C. § 103. See Graham v. John Deere 383 U.S. 1 (1996). This evidence must be considered: Strato Flex, Inc. v. Aeroquip Corp., 713 F.2d 1530, 1538 (Fed. Cir. 1983). The present invention has been recognized by industry experts such as John Bickford and ASM. See Shoberg ¶¶ 7, 8. The assignee of the present invention has used the claimed techniques for icons of American industry including General Motors, Ford and Daimler Chrysler. See Shoberg ¶ 9. Applicant submits the required nexus between the invention and Applicant's secondary consideration exists.

Applicant respectfully requests that the rejections be reconsidered and withdrawn. Applicant respectfully solicits a Notice of Allowance. To the extent that the Examiner believes a telephone conference would be necessary, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

YOUNG & BASILE, P.C.

Thomas E. Bejin
Attorney for Applicant
Registration No. 37,089
(248) 649-3333

3001 West Big Beaver Rd., Suite 624
Troy, Michigan 48084-3107

Dated: October 27, 2003
TEB/sld